

DECLARATION OF "GARRY D. LEIST"

I, Garry D. Leist, hereby declare and state as follows:

1. I am and have been at all time relevant hereto the Senior Pastor of Calvary Chapel Dayton Valley (CCDV).
2. CCDV has operated as a Christian church in Dayton, Nevada, since February 5, 2006.
3. Our church is comprised of approximately 400 people who primarily live and work in and around the Dayton area of Lyon County, Nevada.
4. We believe that the Bible is the inspired Word of God and infallible rule of faith and practice. Therefore, the Bible is the foundation upon which CCDV operates and is the basis on which it is governed.
5. Among other sacred aspects of our faith, we believe that the Bible commands Christians to gather in-person for corporate prayer, worship, and fellowship and that this sacred assembly is vital to our Christian identity and essential to our spiritual growth in Christ. See Hebrews 10:24–25 (ESV) (“And let us consider how to stir up one another to love and good works, not neglecting to meet together, as is the habit of some, but encouraging one another, and all the more as you see the Day drawing near”).
6. Consistent with this belief, CCDV’s mission and purpose is: (1) to continue steadfastly in the apostles’ doctrine and fellowship, in the breaking of bread, and in prayers; (2) to worship God the Father, Son, and Holy Spirit; (3) to build up the Church of Jesus Christ through the teaching of the Word of God and the ministry

1 of the Holy Spirit; and (4) to persuade men and women to repent and confess Jesus
2 Christ as Lord.

3 7. Although the building where we gather does not necessarily define who we are as
4 people of faith in Christ, the gathering of the “ekklesia” (which is the New
5 Testament Term for “Assembly” or “Called out”) in one building in Dayton,
6 Nevada, is central to our expression of our faith in Jesus Christ.

7 8. The virtual and “drive-in” gatherings we have been forced to settle for during this
8 time of crisis are not an acceptable substitute for the communal gathering of our
9 Church. In addition, some of our church members do not have internet access or
10 the ability to participate in online services.

11 9. For CCDV, the gathering of the ekklesia is more than just a motivational speech
12 from a gifted orator, a deep teaching from a skilled teacher, or the warm feeling we
13 get when we sing worship songs together.

14 10. For the Christians who attend our church regularly, our assembly in our building
15 from week to week is the embodiment of Christ on earth. We believe that this is
16 how we best express His image and likeness together on earth. This sacred
17 assembly cannot be substituted via virtual meetings.

18 11. It our conviction and belief that we are not called to be isolated individuals
19 expressing Christ in the privacy of our homes, but a collective city on the hill
20 where Christ is expressed together to one another.

22 12. There are over 100 New Testament scriptures addressing our commitments to one
23 another in the context of our weekly assembly, so while we are eager to do what is
24 safe and to care for one another and our community, we cannot settle for the notion

1 that what we are doing "virtually" or in our cars is an acceptable substitute for the
2 gathering of the ekklesia. Rather, the alternative meetings have been a deep
3 insult to our community, especially as we have watched the Governor allow
4 numerous secular businesses and activities resume without similar restrictions.

5 13. In summary, it is our sincerely-held religious belief that online services and drive-
6 in services do not meet the Lord's requirement that we meet together weekly in
7 person for corporate worship.

8 14. In addition to the central role of community gatherings for our church, we have
9 been and continue to be valuable contributors to the good of our community.

10 15. Our commitment to our solemn duty of love and service at all times, but especially
11 during the time of a public health crisis, means that we care for one another, our
12 congregation of believers, and the communities where we live, work, and serve.

13 16. The service of our church takes many forms, including responsibly hosting regular
14 services and providing ceremonies and sacraments for spiritual care and comfort,
15 providing assistance to the poor, to immigrants (documented and undocumented),
16 and to families in need, caring for the elderly, ministering to the mental,
17 emotional, and spiritual needs of first responders and health care providers,
18 providing guidance to unemployed people as they manage the anxieties and
19 stresses of being jobless, helping raise money for PPE, medical equipment, and
20 supplies that health care professionals need, partnering with government leaders
21 to develop strategies for preventing the spread of disease and death. The foregoing
22 services that we provide are essential to the people and communities we serve and
23 have been substantially hindered by the Governor's directives.

1 17. In response to federal, state, and local guidance at the beginning of the Covid-19
2 outbreak—but before any local or state order prohibited in-person gatherings—we
3 voluntarily adopted rigorous social distancing and health safety measures for our
4 services.

5 18. In fact, immediately after the Governor declared a state of emergency on March 12,
6 2020, we took proactive steps for our March 15 services. We disinfected frequently
7 touched surfaces such as door handles, chairs, and tables before and after services;
8 made hand sanitizer available in multiple locations throughout the building's
9 common areas; advised church attendees to refrain from personal contact such as
10 handshakes and hugs; instructed those who felt sick or lived with someone who felt
11 sick to stay home; and encouraged online giving through the Church's website,
12 among other things.

13 19. And the next day, on March 16, 2020, out of concern for the health and safety of
14 our congregation and community, we temporarily suspended in-person worship
15 services and began streaming our services online.

16 20. More than two months later, the Governor's orders have prevented us from
17 resuming in-person worship services.

18 21. Although our initial decision to temporarily suspend in-person services was
19 voluntary, and made in an abundance of caution given the health and safety
20 concerns at the time, we believe we are now being called by our God to resume in-
21 person worship services, consistent with our religious beliefs about corporate
22 prayer, worship, and fellowship.

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1 22. The people under my Pastoral care and I have patiently waited for Governor
2 Sisolak to restore our First Amendment freedoms. We had trusted that the
3 Governor would prioritize our constitutional rights, have respect for our sacred
4 assembly, and allow us to resume in-person worship services at the earliest
5 opportunity.

6 23. But that trust has been shattered each time the Governor has issued an order for
7 the past two months. Instead of prioritizing our guaranteed right to freely gather
8 in our sacred assembly, the Governor has prioritized “non-essential” secular
9 businesses and activities.

10 24. Even before his Phase 2 announcement, the Governor allowed restaurants and food
11 establishments to resume in-person, on-site dining at 50% capacity, allowed all
12 retail establishments to open at 50% capacity, and threw open the doors of nail
13 care salons, hair salons, and barber shops—businesses that the Governor’s own
14 orders say “promote extended periods of public interaction where the risk of
15 [Covid-19] transmission is high.”

16 25. Now, the Governor has added insult to the continued injury to our religious
17 expression by announcing that the following “non-essential” businesses can reopen
18 in Phase 2:
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- 20 a. Gyms and fitness facilities, including group fitness classes, up to 50%
21 building capacity;
- 22 b. Bars and taverns, up to 50% capacity;

- c. Salons and other businesses that provide aesthetic or skin services, including facials, hair removal, tanning, eyelash services, eyebrow threading, and salt therapy;
- d. Day and overnight spas;
- e. Massage services;
- f. Body art and piercing establishments;
- g. Aquatic facilities and swimming pools, up to 50% capacity;
- h. Water parks, up to 50% capacity;
- i. Museums, art galleries, zoos and aquariums, up to 50% capacity;
- j. Outdoor venues, like mini golf and amusement parks;
- k. Indoor venues, like movie theaters, bowling alleys, and indoor malls, up to 50% capacity; and
- l. Casinos (starting June 4).

26. However, the Governor's Phase 2 plan prohibits us from opening our doors to more than 50 people under any circumstance.

27. This would mean we would have to have between 10 and 13 services to ensure our church members could participate in our sacred Sunday assembly and time of worship. This is neither feasible nor fair.

28. We are perplexed by the Governor's orders because large numbers of people can gather for a similar or greater amount of time as our church service at restaurants, non-essential retail establishments, nail salons, hair salons, barber shops, gyms, fitness facilities, pools, water parks, museums, aquariums, amusement parks, indoor malls, bowling alleys, movie theaters, and casinos, but it is illegal for the

1 Church—which is located in rural Lyon County—to hold in-person services with
2 more than 50 people.

3 29. Consistent with sincerely held religious convictions concerning our weekly sacred
4 assembly, we plan to resume in-person worship services on Sunday, May 31, 2020,
5 which the Holy Day of Pentecost Sunday. In this regard, we have developed
6 comprehensive social distancing and health and safety protocols to govern those
7 services.

8 30. Before Covid-19, the Church's two Sunday services could hold up to 200 people
9 each.

10 31. The Church seeks to hold in-person services at 50% of its sanctuary's capacity
11 while also providing for proper social distancing of at least six feet separation
12 between families and individuals, which would amount to approximately 90 people
13 in a service.

14 32. In preparation for resuming in-person worship services, we have adopted—and will
15 follow—strict social distancing and health and safety protocols. These protocols
16 include the following precautions:

- 18 a. Holding only Sunday and Wednesday services;
- 19 b. Strictly limiting Sunday services to 45 minutes (as opposed to the usual 90
20 minutes);
- 21 c. Holding up to three services each Sunday to guarantee adequate space for
22 social distancing at each service;
- 23 d. Providing $\frac{1}{2}$ hour between services to allow for thorough cleaning and
24 sanitizing of sanctuary, hallways, bathrooms, and common surfaces;

- 1 e. Posting signs on walls and floors to direct traffic;
- 2 f. Posting signs on restroom doors limiting use to one person at a time;
- 3 g. Posting signs in the restrooms encouraging proper washing of hands;
- 4 h. Making hand sanitizer stations easily accessible to attendees;
- 5 i. Encouraging attendees to arrive no earlier than 25 minutes before service;
- 6 j. Using parking attendants to direct cars to designated parking areas;
- 7 k. Directing all attendees to a designated entrance;
- 8 l. Directing attendees to sanctuary seating designed to provide 6-feet of separation between families and individuals;
- 9 m. Ensuring that all traffic for each service will be in one direction by using
- 10 "first in, last out" model;
- 11 n. Advising attendees of proper social distancing protocols;
- 12 o. Encouraging attendees to bring and wear face coverings;
- 13 p. Requiring all servants greeting or directing attendees to wear face coverings;
- 14 q. Prohibiting any handouts or items to be passed to attendees during services;
- 15 r. Prohibiting snacks or coffee from being served;
- 16 s. Using prepacked Communion elements whenever served;
- 17 t. Directing attendees out of the building to the parking area at the end of each service;
- 18 u. Instructing attendees to refrain from congregating in the building.

23 33. Despite these health and safety measures, however, the Governor's orders threaten
24 me and the members of the church with criminal and civil penalties.

1 I declare under penalty of perjury pursuant to 28 U.S.C. 1746 that the foregoing is
2 true and correct to the best of my knowledge.

3 Executed this 28 day of May 2020, in Dayton, Nevada.

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5 Garry D. Leist
6 Senior Pastor
7 Calvary Chapel Dayton Valley